

Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Monday, June 25, 2018 7:57 PM
To: Burke, Jason (EOIR)
Subject: RE: Supreme Court Case Law Update - Pereira v. Sessions

Everybody has them, let us see what the morning brings.

HQ is slow on guidance and I have pushed. They called for guidance from the ACIJ's about one hour ago.

How about the two month details?

Doc

From: Burke, Jason (EOIR)
Sent: Monday, June 25, 2018 7:55 PM
To: Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>
Subject: FW: Supreme Court Case Law Update - Pereira v. Sessions

Sir,

FYI. We are holding NTA entry until we receive further guidance so hopefully this comes soon. Current count is now over 100.

Thanks

Jason

From: DeHerrera, Deanna Ornelas (EOIR)
Sent: Monday, June 25, 2018 4:48 PM
To: Burke, Jason (EOIR) <Jason.Burke@EOIR.USDOJ.GOV>
Subject: RE: Supreme Court Case Law Update - Pereira v. Sessions

Ok, so I misspoke earlier, I have 30 that I want to enter for MWK to fill up his July & August MCs. I have about another 70 to enter to fill up his 9/4 and 9/25 docket.

D.

From: Burke, Jason (EOIR)
Sent: Monday, June 25, 2018 8:16 AM
To: DeHerrera, Deanna Ornelas (EOIR) <Deanna.DeHerrera@EOIR.USDOJ.GOV>
Subject: Re: Supreme Court Case Law Update - Pereira v. Sessions

Please hold. Hopefully we receive guidance today

Sent from my iPhone

On Jun 25, 2018, at 6:41 AM, DeHerrera, Deanna Ornelas (EOIR) <Deanna.DeHerrera@EOIR.USDOJ.GOV> wrote:

Jason, Do you know if we can enter NTAs that were rec'd prior to the Supreme Court decision? Please let me know ASAP, as I have about 30 to enter for MWK. Thank you.

D.

From: Burke, Jason (EOIR)

Sent: Friday, June 22, 2018 2:06 PM

To: All of Denver (EOIR) <All_of_Denver@EOIR.USDOJ.GOV>

Subject: Supreme Court Case Law Update - Pereira v. Sessions

All,

There is a lot of discussion floating about yesterday's Supreme Court ruling that determined that "a putative Notice to Appear that fails to designate the specific time or place of the noncitizen's removal proceeding is not a Notice to Appear under INA section 239(a)(1), and therefore does not trigger the stop-time rule for the purposes of determining eligibility for Cancellation of Removal for Nonpermanent Residents"

(b) (5)



Thanks

Jason

In *Pereira v. Sessions, Attorney General*, --U.S.--, No. 17-459 (June 21, 2018), the Supreme Court, in an 8-1 decision delivered by Justice Sotomayor, held that a putative Notice to Appear that fails to designate the specific time or place of the noncitizen's removal proceeding is not a Notice to Appear under INA section 239(a)(1), and therefore does not trigger the stop-time rule for the purposes of determining eligibility for Cancellation of Removal for Nonpermanent Residents

The petitioner entered the United States in 2000 as a temporary non-immigrant visitor and remained after his visa expired. Following a 2006 arrest, DHS served petitioner with a Notice to Appear that did not specify the time and place of his initial removal hearing, but ordered him to appear at a time and date set in the future. A year later, in 2007, the Court mailed the petitioner a specific notice setting the date and time for his initial hearing. However, the notice was sent to the wrong address and returned as undeliverable. As a result, the petitioner failed to appear, and the Court ordered him removed *in absentia*. In 2013, the petitioner was arrested for a minor motor vehicle violation and detained. The petitioner demonstrated that he never received the 2007 Notice of Hearing, and applied for cancellation of removal, arguing that he had been continuously present in the US for more than 10 years, and that the stop-time rule was not triggered by the initial 2006

“notice to appear” because the document lacked information about the time and place of his removal hearing.

The Immigration Court disagreed and found that the stop-time rule was triggered by the non-specific notice to appear and ordered the petitioner removed. The Board of Immigration Appeals (BIA) affirmed, holding that the stop-time rule is ambiguous and the BIA’s interpretation that the stop-time rule is triggered by a non-specific notice to appear was permissible. The Supreme Court granted certiorari to determine whether a document labeled “Notice to Appear,” that fails to specify either the time or place of the removal proceedings, triggers the stop-time rule.

In order to be eligible for Cancellation of Removal and Adjustment of Status, a non-permanent resident must meet certain enumerated criteria, the relevant one here being continuous presence in the United States for 10 or more years immediately preceding an application for cancellation of removal. *See* INA § 240A(b)(1). The stop-time rule at issue in this case states that any period of continuous physical presence in the United States shall be deemed to end when the alien is served a Notice to Appear. *See* INA § 240A(d)(1). The INA specifies that the written Notice to Appear must include multiple details including “the time and place at which the proceeding will be held.” INA § 239(a)(1)(G).

Almost every Notice to Appear omits the time and place of the proceeding, as general practice. In *Matter of Camarillo*, 25 I&N Dec. 644 (2011), the Board of Immigration Appeals held that such notice triggers the stop-time rule, even though it does not specify the time and place of the removal proceeding.

The Supreme Court disagreed with this interpretation and found that statutory text alone is enough to resolve this case. The stop-time rule expressly references INA section 239(a)(1), which gives a clear definition of what “Notice to Appear” means. Section 239(a)(1) specifies seven things that a Notice to Appear must consist of, including “the time and place at which the [removal] proceeding will be held. As such, every Notice to Appear must include the time and place of the removal hearing.

Additionally, section 239(b)(1) gives noncitizens the opportunity to secure counsel before the first removal hearing date mandating that such “hearing date shall not be scheduled earlier than 10 days after the service of the Notice to Appear.” The Supreme Court reasoned that for section 239(b)(1) to have any meaning, the Notice to Appear must specify the time and place that the noncitizen and his counsel must appear at the removal hearing.

Finally, the Supreme Court articulated that common sense compels the conclusion that a Notice to Appear should provide noncitizens “notice” of the information, *i.e.* “time” and “place,” that would allow them “to appear” at the removal hearing. To hold otherwise would empower the Government to trigger the stop-time rule by sending any document labeled “Notice to Appear” with no mention of the time and place.

Justice Alito Dissenting

The dissent argues that section 239(a) is not worded in the form of a definition and thus cannot circumscribe what type of notice counts as a Notice to Appear for purposes of the stop-time rule. The Court did not find this argument compelling. The dissent also raises a number of practical concerns with this interpretation of the statute, however, the Court held that the practical considerations are meritless and do not justify departing from the statute’s clear text. *See Burrage v. United States*, 571 U.S. 204, 218 (2014).

Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Monday, June 25, 2018 7:08 PM
To: Maggard, Print (EOIR); Cheng, Mary (EOIR)
Subject: FW: Deficient NTA's

FYI and SA

R/s
Doc

From: Daugherty, Daniel J. (EOIR)
Sent: Monday, June 25, 2018 6:11 PM
To: Alberdi, Yon K. (EOIR) <Yon.Alberdi@EOIR.USDOJ.GOV>; Anderson, David (EOIR) <David.Anderson@EOIR.USDOJ.GOV>; Caley, Steven (EOIR) <Steven.Caley@EOIR.USDOJ.GOV>; Carbone, Nina M. (EOIR) <Nina.Carbone@EOIR.USDOJ.GOV>; Corrin, Melanie K. (EOIR) <Melanie.Corrin@EOIR.USDOJ.GOV>; Gardzelewski, Ivan E. (EOIR) <Ivan.Gardzelewski@EOIR.USDOJ.GOV>; Greer, Christopher M. (EOIR) <Christopher.Greer@EOIR.USDOJ.GOV>; Kane, Alison (EOIR) <Alison.Kane@EOIR.USDOJ.GOV>; Livingston, Donn (EOIR) <Donn.Livingston@EOIR.USDOJ.GOV>; McGrail, Elizabeth (EOIR) <Elizabeth.McGrail@EOIR.USDOJ.GOV>; O'Hare, Donald (EOIR) <Donald.OHare@EOIR.USDOJ.GOV>; Romig, Jeff (EOIR) <Jeff.Romig@EOIR.USDOJ.GOV>; Sharda, Munish (EOIR) <Munish.Sharda@EOIR.USDOJ.GOV>; Trujillo, Eileen R. (EOIR) <Eileen.Trujillo@EOIR.USDOJ.GOV>; Truman, Phillip M. (EOIR) <Phillip.Truman@EOIR.USDOJ.GOV>; Aquino, Joannabelle (EOIR) <Joannabelle.Aquino@EOIR.USDOJ.GOV>; Askar, Priscilla (EOIR) <Priscilla.Askar@EOIR.USDOJ.GOV>; Buhl-Madsen, Meghan C (EOIR) <Meghan.Buhl-Madsen@EOIR.USDOJ.GOV>; DeGenaro, Carey (EOIR) <Carey.DeGenaro2@EOIR.USDOJ.GOV>; Fink, Aimee R. (EOIR) <Aimee.Fink@EOIR.USDOJ.GOV>; Gaertner, Thamys (EOIR) <Thamys.Gaertner@EOIR.USDOJ.GOV>; Garfinkel, Seth (EOIR) <Seth.Garfinkel@EOIR.USDOJ.GOV>; Malave, Adilina (EOIR) <Adilina.Malave@EOIR.USDOJ.GOV>; Murguia, Andres (EOIR) <Andres.Murguia@EOIR.USDOJ.GOV>; Reidelberger, Jacqueline (EOIR) <Jacqueline.Reidelberger@EOIR.USDOJ.GOV>; Robinson, Kitty (EOIR) <Kitty.Robinson@EOIR.USDOJ.GOV>
Subject: FW: Deficient NTA's

Judges / AAs / JLC's – This email is designed to help in thinking about how to deal with arguments of deficient NTAs. I've quoted extensively from the majority opinion to help provide context regarding the reach of the opinion.

(b) (5)



(b) (5)



Here is a list of some important takeaways from the Court's opinion:

1. The NARROW QUESTION is clearly laid out by the Court – “does it trigger the stop-time rule?” The answer is clear – no the NTA that fails to specify either the time or place of the proceedings does not trigger the stop time rule.
2. JUSTICE SOTOMAYOR acknowledges that “The statute also enables the Government to “change or postpon[e] . . . the time and place of [the removal] proceedings.” §1229(a)(2)(A). To do so, the Government must give the noncitizen “a written notice . . . specifying . . . the new time or place of the proceedings” and “the consequences. . . of failing, except under exceptional circumstances, to attend such proceedings.” *Ibid.* The Government is not required to provide written notice of the change in time or place of the proceedings if the noncitizen is “not in detention” and “has failed to provide [his] address” to the Government. §1229(a)(2)(B).

3. In 1997, shortly after Congress passed IIRIRA, the 5 Cite as: 585 U. S. ____ (2018) the Attorney General promulgated a regulation stating that a “notice to appear” served on a noncitizen need only provide “the time, place and date of the initial removal hearing, **where practicable.**” **62 Fed. Reg. 10332 (1997).**


4. Nowhere in Justice Sotomayor's opinion does it invalidate the regulation.

5. In several places in the opinion, the majority talks about the narrow ruling.


A possible approach to breaking down the issues soon to be raised:

A. (b) (5)


i. (b) (5)



ii. (b) (5)




iii. (b) (5)




iv. (b) (5)

v. (b) (5)




vi. (b) (5)


vii. (b) (5)

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viii. (b) (5)




B. (b) (5)




C. (b) (5)




D. (b) (5)



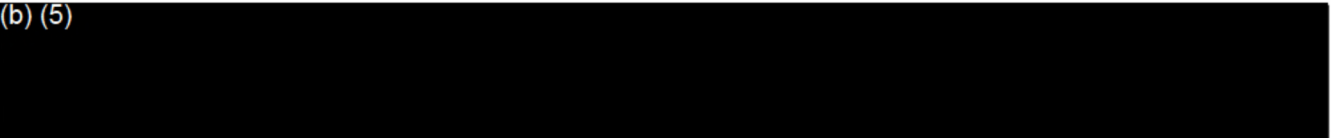
E. (b) (5)




F. (b) (5)




G. (b) (5)



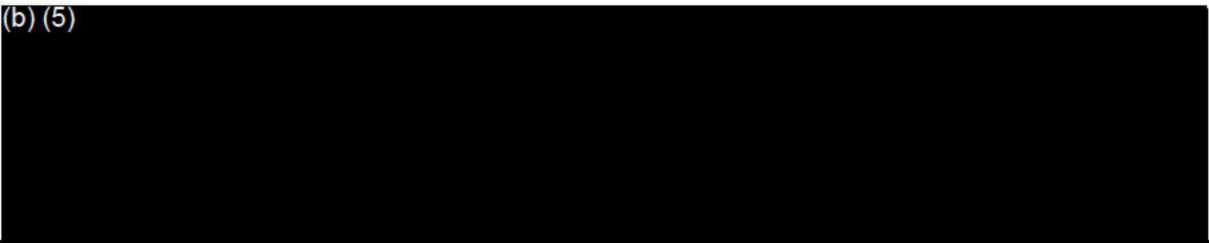
H. (b) (5)



a. (b) (5)



b. (b) (5)



(b) (5)



I am hoping the EOIR will give us guidance soon.

Thanks to everyone for his or her input and ideas on this issue.

R/s ACIJ Daugherty

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 9:52 AM
To: Alberdi, Yon K. (EOIR) <Yon.Alberdi@EOIR.USDOJ.GOV>; Anderson, David (EOIR) <David.Anderson@EOIR.USDOJ.GOV>; Aquino, Joannabelle (EOIR) <Joannabelle.Aquino@EOIR.USDOJ.GOV>; Askar, Priscilla (EOIR) <Priscilla.Askar@EOIR.USDOJ.GOV>; Buhl-Madsen, Meghan C (EOIR) <Meghan.Buhl-Madsen@EOIR.USDOJ.GOV>; Burke, Jason (EOIR) <Jason.Burke@EOIR.USDOJ.GOV>; Caley, Steven (EOIR) <Steven.Caley@EOIR.USDOJ.GOV>; Carbone, Nina M. (EOIR) <Nina.Carbone@EOIR.USDOJ.GOV>; Corrín, Melanie K. (EOIR) <Melanie.Corrin@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; DeGenaro, Carey (EOIR) <Carey.DeGenaro2@EOIR.USDOJ.GOV>; Engel, Donna (EOIR) <Donna.Engel@EOIR.USDOJ.GOV>; Fink, Aimee R. (EOIR) <Aimee.Fink@EOIR.USDOJ.GOV>; Gaertner, Thamys (EOIR) <Thamys.Gaertner@EOIR.USDOJ.GOV>; Gardzelewski, Ivan E. (EOIR) <Ivan.Gardzelewski@EOIR.USDOJ.GOV>; Garfinkel, Seth (EOIR) <Seth.Garfinkel@EOIR.USDOJ.GOV>; Greer, Christopher M. (EOIR) <Christopher.Greer@EOIR.USDOJ.GOV>; Kane, Alison (EOIR) <Alison.Kane@EOIR.USDOJ.GOV>; Livingston, Donn (EOIR) <Donn.Livingston@EOIR.USDOJ.GOV>; Malave, Adilina (EOIR) <Adilina.Malave@EOIR.USDOJ.GOV>; McGrail, Elizabeth (EOIR) <Elizabeth.McGrail@EOIR.USDOJ.GOV>; Murguia, Andres (EOIR) <Andres.Murguia@EOIR.USDOJ.GOV>; Newsome, Rachel (EOIR) <Rachel.Newsome@EOIR.USDOJ.GOV>; O'Hare, Donald (EOIR) <Donald.OHare@EOIR.USDOJ.GOV>; Overton, Fayne (EOIR) <Fayne.Overton@EOIR.USDOJ.GOV>; Reidelberger, Jacqueline (EOIR) <Jacqueline.Reidelberger@EOIR.USDOJ.GOV>; Revelle, Alec (EOIR) <Alec.Revelle@EOIR.USDOJ.GOV>; Robinson, Kitty (EOIR) <Kitty.Robinson@EOIR.USDOJ.GOV>; Romig, Jeff (EOIR) <Jeff.Romig@EOIR.USDOJ.GOV>; Sharda, Munish (EOIR) <Munish.Sharda@EOIR.USDOJ.GOV>; Trujillo, Eileen R. (EOIR) <Eileen.Trujillo@EOIR.USDOJ.GOV>; Truman, Phillip M. (EOIR) <Phillip.Truman@EOIR.USDOJ.GOV>
Subject: RE: Deficient NTA's

Good People:

(b) (5)



Thanks for all your efforts and have a great weekend.

ACIJ Daugherty

Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Monday, June 25, 2018 6:21 PM
To: Burke, Jason (EOIR)
Subject: TWO MONTH DETAILS TO AURORA

Jason

We need to set up two month details from Denver to Aurora starting on August 1.

These will run through January 1, 2019.

Please ask the judges for volunteers.

If I do not get volunteers, we – you and me, will be picking based upon least impact on the Denver Docket.

Thanks

Doc

Best regards,

Daniel “Doc” Daugherty
Assistant Chief Immigration Judge
Las Vegas, Salt Lake City, Denver, Aurora
110 North City Parkway, Suite 400
Las Vegas, Nevada 89106-0000

(b) (6)

Daniel.daugherty@EOIR.USDOJ.GOV

Email external to USDOJ: Daniel.J.Daugherty@usdoj.gov

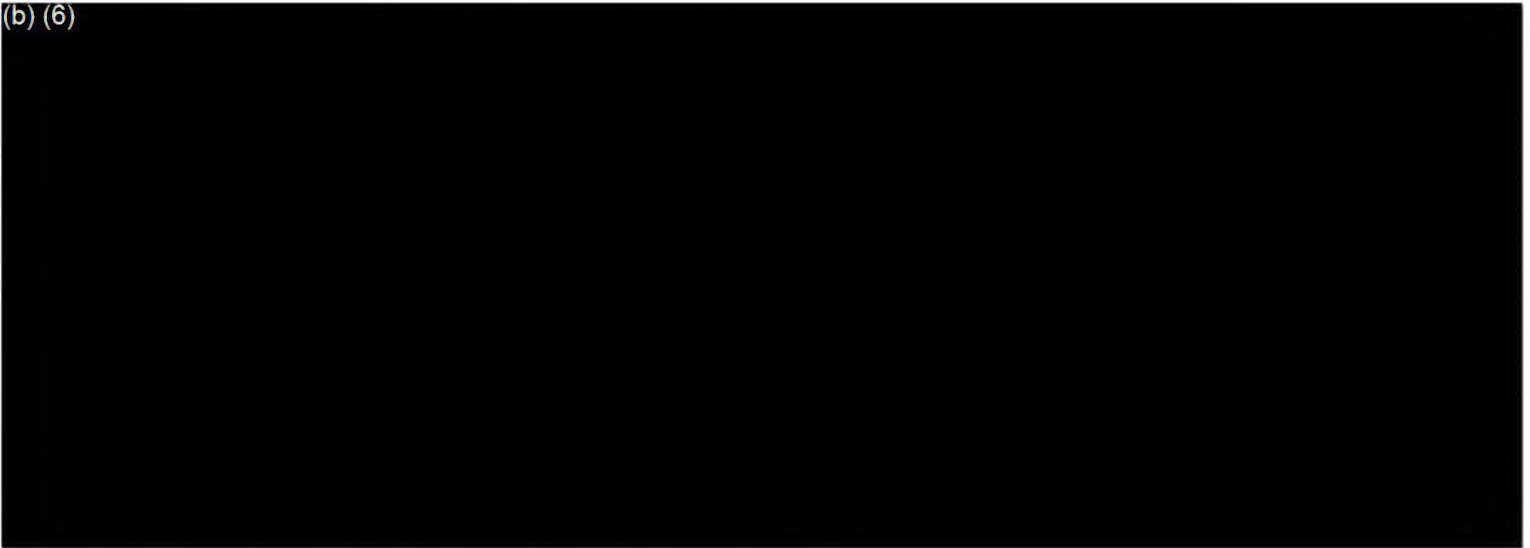
Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Monday, June 25, 2018 3:08 PM
To: Cheng, Mary (EOIR)
Subject: LVG response for the Weekly Tab 2 consolidated

Importance: High

For LVG the following cases are on the list:

(b) (6)



Please let me know if you should need additional information. Thanks!

Rachel Newsome
Court Administrator

From: Daugherty, Daniel J. (EOIR)
Sent: Thursday, June 21, 2018 11:41 AM
To: Overton, Fayne (EOIR) <Fayne.Overton@EOIR.USDOJ.GOV>; Newsome, Rachel (EOIR) <Rachel.Newsome@EOIR.USDOJ.GOV>
Cc: Engel, Donna (EOIR) <Donna.Engel@EOIR.USDOJ.GOV>
Subject: FW: Weekly Tab 2 consolidated

CA's

Please review for your detained and give me the details for each of the cases to answer the questions below:

By noon tomorrow.

Tks

Doc

From: Cheng, Mary (EOIR)

Sent: Thursday, June 21, 2018 12:45 PM

To: Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>;

Judges,

Please review the attached report. Are the detained cases on the status docket due to Franco issues? Or other issues that Print and I may not be aware of, please let us know. Finally, for the cases scheduled past 90 days, please let us know the reasoning, such as respondent's counsel requested the date or is unavailable within 90 days. Thank you.

Mary Cheng

Deputy Chief Immigration Judge



From: Endres, Brett (EOIR)

Sent: Thursday, June 21, 2018 9:37 AM

To: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>

Cc: Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>; Filipowicz, Pam (EOIR) <Pam.Filipowicz@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>

Subject: FW: Weekly Tab 2 consolidated

See attached.

For both reports pending was from the June 15th weekly. We used the custody of detained and included all base citys. We also included our labels of detained, non detained and hybrid courts.

For #2: Only hearings that did not have an adjournment code were included. For the TOT we used todays date (6/20/18)

Let us know if this meets your needs.

Brett

From: Santoro, Christopher A (EOIR)

Sent: Monday, June 18, 2018 4:22 PM

To: Endres, Brett (EOIR) <Brett.Endres@EOIR.USDOJ.GOV>; Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>

Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>

Subject: RE: Weekly Tab 2 consolidated

Mike,

Is it possible to get A numbers associated with the following:

1. All cases in detained courts showing up on status dockets (broken down by base city)
2. All cases in detained courts with hearings set more than today + 90 days (broken down by base city)

We'll likely want/need this each week until we get a handle on this, so if it's possible to consider this a recurring request we'd appreciate it.

Thanks,

Christopher A. Santoro
Deputy Chief Immigration Judge

From: Endres, Brett (EOIR)

Sent: Monday, June 18, 2018 3:21 PM

To: Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>

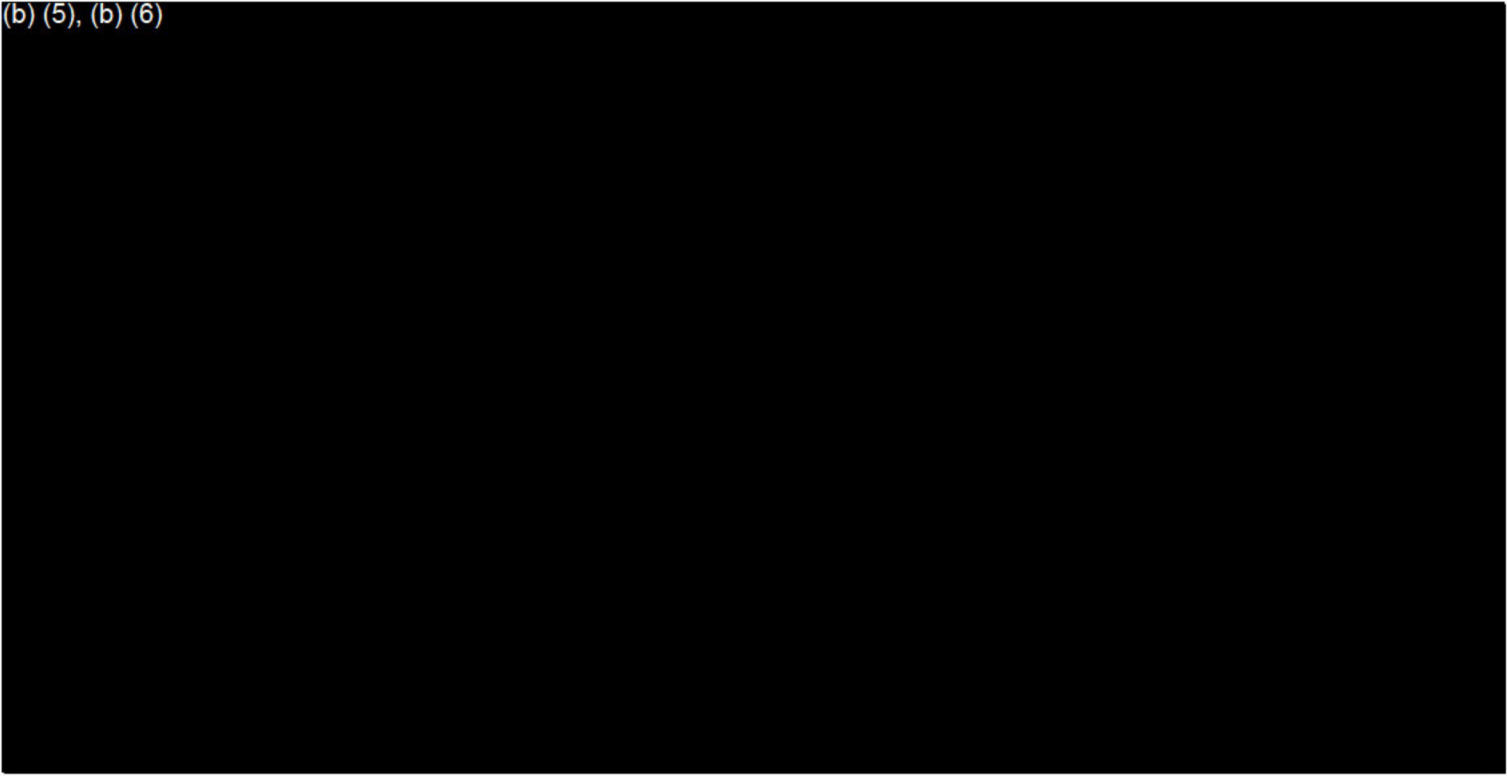
Subject: Weekly Tab 2 consolidated

See attached

Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 9:35 PM
To: V. Stuart Couch
Subject: A-B- remand ver 2.docx
Attachments: A-B- remand ver 2.docx

(b) (5), (b) (6)



S/f
Y/f

Doc

(b) (5)



Accordingly, the Court enters the following:

ORDERS

(b) (5)



(b) (5)



Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 3:09 PM
To: Cheng, Mary (EOIR)
Cc: Engel, Donna (EOIR)
Subject: FW: Weekly Tab 2 consolidated - AURORA
Attachments: Detained A number report.xlsx; 06212018detained cases report.pdf

DCIJ Cheng:

Attached is the explanations for the AURORA docket.

R/s
ACIJ Daugherty

From: Overton, Fayne (EOIR)
Sent: Thursday, June 21, 2018 6:38 PM
To: Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>
Subject: FW: Weekly Tab 2 consolidated

Good afternoon, Judge,

The second attachment above list the details regarding the pending Status Docket Cases and the Pending Cases Greater Than 90 days to Hearing as you requested.

Thnaks,

Fayne

From: Daugherty, Daniel J. (EOIR)
Sent: Thursday, June 21, 2018 12:41 PM
To: Overton, Fayne (EOIR) <Fayne.Overton@EOIR.USDOJ.GOV>; Newsome, Rachel (EOIR) <Rachel.Newsome@EOIR.USDOJ.GOV>
Cc: Engel, Donna (EOIR) <Donna.Engel@EOIR.USDOJ.GOV>
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Mary Cheng
Deputy Chief Immigration Judge



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Cc: Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>; Filipowicz, Pam (EOIR) <Pam.Filipowicz@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
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Let us know if this meets your needs.

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To: Endres, Brett (EOIR) <Brett.Endres@EOIR.USDOJ.GOV>; Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>
Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
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2. All cases in detained courts with hearings set more than today + 90 days (broken down by base city)

We'll likely want/need this each week until we get a handle on this, so if it's possible to consider this a recurring request we'd appreciate it.

Thanks,

Christopher A. Santoro
Deputy Chief Immigration Judge

From: Endres, Brett (EOIR)
Sent: Monday, June 18, 2018 3:21 PM
To: Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>
Subject: Weekly Tab 2 consolidated

See attached

Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 3:02 PM
To: Kane, Alison (EOIR)
Cc: Burke, Jason (EOIR)
Subject: RE: question about cases that get reassigned to different IJs

Judge Kane:

The CASE system is not perfect by any means and each of us must stay on top of it.

Mr. Burke will ensure the changes for the cases listed below are made.

Please ensure you review the CASE worksheet on the left hand side and ensure your IJ code is correct for each case you preside over. If it is NOT, please ensure your clerk changes it to your code.

The VJ – visiting judge code is especially interesting as every time we go on detail you have to ensure the clerks put your code into CASE or we have trouble finding it and giving you credit for it.

When your IJ code is listed in the CASE system, for that particular case, and you make a final ruling – the system should credit you for the final ruling, regardless of the case being transferred to another judge after an appeal.

Does this help?

ACIJ Daugherty

From: Kane, Alison (EOIR)
Sent: Friday, June 22, 2018 2:55 PM
To: Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>
Subject: question about cases that get reassigned to different IJs

Hi,

I have a question. I am aware of several cases of mine that I decided on the merits but they are assigned to different IJs (either they were never assigned to me in CASE or it switched back to another IJ on appeal). I'm sure there are others I'm not aware of. Is there a way these will be captured in our numbers when that becomes relevant? For example, two decisions are attached. One looks like it is JCO's (IJ Odell) case. The other has VJ2 indicated. Another example is one that has IJ Fitting noted as the IJ (b) (6)

Just curious.

Alison

Alison Kane | Immigration Judge

Denver Immigration Court | 1961 Stout Street, Rm. 3101 | Denver, Colorado 80294

Telephone: (b) (6) | Alison.Kane@usdoj.gov

Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 2:55 PM
To: Maggard, Print (EOIR)
Subject: FW: DETAILS OR VTC Judge

Just a follow up. Did you ever get this back on June 12, 2018? It probably got lost in the conference traffic.

Doc

From: Maggard, Print (EOIR)
Sent: Tuesday, June 12, 2018 4:15 PM
To: Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>
Subject: Re: DETAILS OR VTC Judge

Start date I July?

On Jun 12, 2018, at 15:06, Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV> wrote:

Print

LVG is losing two judges this summer and I only get one replacement in mid-August.

Can LVG get details or VTC judges for August and September?

Thanks

Doc

Daniel "Doc" Daugherty
Assistant Chief Immigration Judge
Las Vegas, Denver, Aurora, Salt Lake City

(b) (6)

Begin forwarded message:

From: "Newsome, Rachel (EOIR)" <Rachel.Newsome@EOIR.USDOJ.GOV>
Date: June 12, 2018 at 1:26:11 PM EDT
To: "Daugherty, Daniel J. (EOIR)" <Daniel.Daugherty@EOIR.USDOJ.GOV>
Subject: VTC Judge

Hi Judge,

Any chance on getting a VTC Judge for the months of August/September 2018?

Ms. R. Newsome
Court Administrator
U.S. Department of Justice

Executive Office for Immigration Review
Las Vegas Immigration Court
110 N. City Parkway, Ste. 400
Las Vegas, NV 89106

(b) (6)

Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 2:34 PM
To: Maggard, Print (EOIR)
Subject: RE: Resignation Notice (b) (6)

Thanks – with the additional beds at Aurora, we may need it.

Doc

From: Maggard, Print (EOIR)
Sent: Thursday, June 21, 2018 10:31 AM
To: Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Wahowiak, Marlene (EOIR) <Marlene.Wahowiak@EOIR.USDOJ.GOV>
Subject: RE: Resignation Notice Andres Murguia

Doc if you need additional AA support at Aurora let me know, we can have other courts assist.

Print Maggard

From: Daugherty, Daniel J. (EOIR)
Sent: Thursday, June 21, 2018 7:15 AM
To: Wahowiak, Marlene (EOIR) <Marlene.Wahowiak@EOIR.USDOJ.GOV>
Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>
Subject: Fwd: Resignation Notice (b) (6)

(b) (6) has decided to seek other employment.

His last day will be August 4th.

Daniel "Doc" Daugherty
Assistant Chief Immigration Judge
Las Vegas, Denver, Aurora, Salt Lake City

(b) (6)

Begin forwarded message:

From: (b) (6)
Date: June 21, 2018 at 7:06:17 AM MST
To: "Daugherty, Daniel J. (EOIR)" <Daniel.Daugherty@EOIR.USDOJ.GOV>
Subject: Resignation Notice

ACIJ Daugherty:

(b) (6)



Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 12:33 PM
To: Maggard, Print (EOIR)
Cc: Newsome, Rachel (EOIR)
Subject: RE: Details

Judge Maggard

Is Las Vegas going to be on the list for details.

I would prefer on-site.

We really need help as of August 1st as Munish will be out on (b) (6) for the month of August. We lose Romig on July 1st and Alberti on August 1st.

In Las Vegas it will only be Judge Nguyen and myself for the entire month of August and I have to be in Denver for the week of August 6th for the rollout of ECAS.

Thanks

DJD

From: Maggard, Print (EOIR)
Sent: Thursday, June 21, 2018 6:39 PM
To: Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) <Deepali.Nadkarni@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>
Cc: Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
Subject: Details

Updated.

PRINT MAGGARD
DEPUTY CHIEF IMMIGRATION JUDGE

Department of Justice
Executive Office for Immigration Review
Office of the Chief Immigration Judge



Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Friday, June 22, 2018 11:52 AM
To: Alberdi, Yon K. (EOIR); Anderson, David (EOIR); Aquino, Joannabelle (EOIR); Askar, Priscilla (EOIR); Buhl-Madsen, Meghan C (EOIR); Burke, Jason (EOIR); Caley, Steven (EOIR); Carbone, Nina M. (EOIR); Corrin, Melanie K. (EOIR); Daugherty, Daniel J. (EOIR); DeGenaro, Carey (EOIR); Engel, Donna (EOIR); Fink, Aimee R. (EOIR); Gaertner, Thamys (EOIR); Gardzelewski, Ivan E. (EOIR); Garfinkel, Seth (EOIR); Greer, Christopher M. (EOIR); Kane, Alison (EOIR); Livingston, Donn (EOIR); Malave, Adilina (EOIR); McGrail, Elizabeth (EOIR); Murguia, Andres (EOIR); Newsome, Rachel (EOIR); O'Hare, Donald (EOIR); Overton, Fayne (EOIR); Reidelberger, Jacqueline (EOIR); Revelle, Alec (EOIR); Robinson, Kitty (EOIR); Romig, Jeff (EOIR); Sharda, Munish (EOIR); Trujillo, Eileen R. (EOIR); Truman, Phillip M. (EOIR)
Subject: RE: Deficient NTA's

Good People:

(b) (5)



Thanks for all your efforts and have a great weekend.

ACIJ Daugherty

From: Burke, Jason (EOIR)
Sent: Friday, June 22, 2018 10:45 AM
To: Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>
Subject: FW: Deficient NTA's

Thought I would share to see if you have any thoughts on this yet...

From: Cervantes, Rene (EOIR)
Sent: Friday, June 22, 2018 8:42 AM
To: Romero, Claudia (EOIR) <Claudia.Romero@EOIR.USDOJ.GOV>
Cc: Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Burke, Jason (EOIR) <Jason.Burke@EOIR.USDOJ.GOV>; Morrow, Michel (EOIR) <Michel.Morrow@EOIR.USDOJ.GOV>
Subject: Re: Deficient NTA's

Good morning all,

(b) (5)

I hope this helps.

Rene

Sent from my iPhone

On Jun 22, 2018, at 7:12 AM, Romero, Claudia (EOIR) <Claudia.Romero@EOIR.USDOJ.GOV> wrote:

Good morning ACIJ Rooyani,

All of the served NTAs do not have time and only some have the place. We will probably start seeing terminations based on deficient NTAs such as in cases A(b) (6) Is there any new guidance on what we should do with the newly filed NTAs missing time and place?

From: De Girolamo, Gianfranco (EOIR)
Sent: Thursday, June 21, 2018 8:48 AM
To: All of Los Angeles (EOIR) <All_of_LosAngeles@EOIR.USDOJ.GOV>
Subject: FW: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

https://www.supremecourt.gov/opinions/17pdf/17-459_1o13.pdf

Here's the link to the decision should you not find it in the linked article.

From: De Girolamo, Gianfranco (EOIR)
Sent: Thursday, June 21, 2018 8:41 AM
To: All of Los Angeles (EOIR) <All_of_LosAngeles@EOIR.USDOJ.GOV>
Subject: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

From: Immigration Law360 <news-alt@law360.com>
Sent: Thursday, June 21, 2018 7:25 AM
To: De Girolamo, Gianfranco (EOIR) <Gianfranco.DeGirolamo@EOIR.USDOJ.GOV>
Subject: BREAKING: Justices Say Time, Place Needed For Removal Rule

Thursday, June 21, 2018

 Follow

BREAKING: Justices Say Time, Place Needed For Removal Rule

The U.S. Supreme Court determined Thursday that served notices of appearance triggering the so-called stop-time rule must include time and place information to be valid, ruling in favor of a Brazilian immigrant facing possible deportation due to the statute.

LAW FIRMS

Goodwin

GOVERNMENT AGENCIES

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Supreme Court

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Lee, Jeanna (EOIR)

From: Daugherty, Daniel J. (EOIR)
Sent: Thursday, June 21, 2018 2:41 PM
To: Overton, Fayne (EOIR); Newsome, Rachel (EOIR)
Cc: Engel, Donna (EOIR)
Subject: FW: Weekly Tab 2 consolidated
Attachments: Detained A number report.xlsx

CA's

Please review for your detained and give me the details for each of the cases to answer the questions below:

By noon tomorrow.

Tks

Doc

From: Cheng, Mary (EOIR)
Sent: Thursday, June 21, 2018 12:45 PM
To: Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>;

Judges,

Please review the attached report. Are the detained cases on the status docket due to Franco issues? Or other issues that Print and I may not be aware of, please let us know. Finally, for the cases scheduled past 90 days, please let us know the reasoning, such as respondent's counsel requested the date or is unavailable within 90 days. Thank you.

Mary Cheng
Deputy Chief Immigration Judge



From: Endres, Brett (EOIR)
Sent: Thursday, June 21, 2018 9:37 AM
To: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>
Cc: Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>; Filipowicz, Pam (EOIR) <Pam.Filipowicz@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
Subject: FW: Weekly Tab 2 consolidated

See attached.

For both reports pending was from the June 15th weekly. We used the custody of detained and included all base citys. We also included our labels of detained, non detained and hybrid courts.

For #2: Only hearings that did not have an adjournment code were included. For the TOT we used todays date (6/20/18)

Let us know if this meets your needs.

Brett

From: Santoro, Christopher A (EOIR)
Sent: Monday, June 18, 2018 4:22 PM
To: Endres, Brett (EOIR) <Brett.Endres@EOIR.USDOJ.GOV>; Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>
Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
Subject: RE: Weekly Tab 2 consolidated

Mike,

Is it possible to get A numbers associated with the following:

1. All cases in detained courts showing up on status dockets (broken down by base city)
2. All cases in detained courts with hearings set more than today + 90 days (broken down by base city)

We'll likely want/need this each week until we get a handle on this, so if it's possible to consider this a recurring request we'd appreciate it.

Thanks,

Christopher A. Santoro
Deputy Chief Immigration Judge

From: Endres, Brett (EOIR)
Sent: Monday, June 18, 2018 3:21 PM
To: Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Tennyson, Mike (EOIR) <Mike.Tennyson@EOIR.USDOJ.GOV>
Subject: Weekly Tab 2 consolidated

See attached